

R. Gt. Brit. & Ireland. James I. R. G.

By the King.

506. b. 10
70

A Proclamation for Iurors.



It is a principall part of our Kingly Office, to administer Justice to our people, by which our Crowne and Scepter is also established and confirmed: So wee conceiue, that we may truely and justly thus farrs reape the fruit of a good conscience, as to be witnesse to our selfe, and likewise to report our selues, not onely to our priuie Counsell, (which are acquainted with our more secret cares and cogitations) and our Judges and Counsell at Law (with whom wee haue had more frequent conference, then Princes formerly haue vsed) but generally also to all other our louing Subjects, in regard of some our publique actions, whether in these few yeeres of our Reigne (notwithstanding wee could not bee at our first entrance so well informed, as now wee are, in the Lawes and

Customes of this our Realme) wee haue not exercised and employed our princely care, power and meanes, for the furtherance and aduancement of Justice duly and speedily to bee administered to all our louing Subjects. For it appeareth, that wee haue to that end bene at charge to encrease the number of our Judges in our principall Benches, haue endeououred to moderate some differences and contentions amongst our Courts in point of Jurisdiction, to auoyd double vexation of Suits, and haue from time to time, in person giuen more strait charge & admonition to our Judges before their Circuits and visitations, and received againe from them more strait accompts & reports at their returns, then hath bene heretofore accustomed. And as we haue bene thus carefull concerning our Courts, and Judges of the Law: So may we in no wise omit to extend our princely care to persons of another condition, on whom (though they be not to be termed Judges) there lyeth a principall part of Judicature: which are those, who by the custome of the Realme are called Iurors, which serue to try and decide the issues & points of fact in all controversies and causes. A matter no lesse important to the summe of Justice, then the true and iudicious exposition of the Lawes themselves. For even that Judgement which was giuen by a King in Person, and is so much commended in the Scriptures, was not any learned exposition of the Law, but a wisse siftting and examination of the fact, where testimonie was obscure, and failed. To which sort of persons also the Law of this our Realme doeth ascribe such trust and confidence, as it doeth not so absolutely tye them to the evidences and proofes produced, but that it leaueth both supply of Testimonie, and the discerning and credit of Testimonie to the Juries consciences and vnderstanding.

But herewithall we consider with our selues, That this proceeding by Juries (which is one of the ancient Lawes and Customes of this our Island of Great Britaine, and almost proper and singular vnto it, in regard of other Nations) as it is an excellent institution in it selfe, so neuerthelesse it is then laudable and good, when those persons, which serue vpon the said Juries, are men of such qualitie, credit & vnderstanding, as are worthy to be trusted with so great a charge, as to try mens lives, good names, lands and goods, and whatsoeuer they hold deare in this world. Wherein we cannot but obserue, and highly commend the wisdome of the Lawes of this our Realme (taking them in their owne nature, before abuses crept in) which haue in this point so well provided. For as in the triall of any Peere of this Realme, the Law doeth not admit any to passe vpon him but Peeres: So in the triall of any of the Commons (which the Law beholdeth but as one body) there is no person whatsoeuer of that body by rule of Law exempted, in respect of his qualitie and degree onely, from the seruice vpon Juries: Whereas on the contrary part the Law hath limited, that none serue, except he haue a certaine proportion of freehold. And yet notwithstanding, Time and abuse haue so embased the estimation of this seruice, and altered the vse thereof, as Sheriffs, Under Sheriffs, Barlasses, and other inferiour Ministers, do not onely spare Gentlemen of qualitie, in a kinde of awe, and unwillingnesse to offend them, but do likewise for lucre, gaine and reward, forbear to returne many of the ablest and fittest persons; So that the seruice oftentimes resteth vpon such as are either simple and ignorant, and almost at a gaze in any cause of difficultie, or else vpon those that are so accustomed and inured to passe and serue vpon Juries, as they haue almost lost that tendernesse of Conscience, which in such cases is to bee wished, and make the seruice, as it were an occupation and practise.

Upon these grounds therefore, and upon advise taken with our privy Councell, and conference with our Judges and Councell at Law, we haue resolved to give some remedy to those abuses, and to restore the forme of tryals in this our Realme of England, to the ancient integrity and credit, as much as in vs lyeth. And therefore we doe hereby publish and declare to all our loving Subjects, that they take light from vs of the greatness of this seruice, and that the Gentlemen of best qualitie doe put away that vaine & vntrue conceit, that they are any wayes disgraced, or disesteemed, if they be called vpon or vsed in this part of Justice, to be tryers of the fact, Knowing that all Judgement is Gods principally, and by him committed vnto vs Within the Precinct of our Kingdome, as his Minister vpon Earth, to whom likewise they are subordinate. And we doe likewise charge and command all our Judges, Justices, Sheriffes, Under Sheriffes, Bayliffes and others to whom it may appertaine, To take knowledge that this is our expresse Will and pleasure, That all persons which haue Freehold, according to the Law, shall be returned to serve vpon Juries, as occasion shall require. Foreseeing also that they vsed a respect, that the same persons be not too often returned and troubled, but that the service may rest more equally and indifferently vpon the whole body of sufficient Freeholders in every County, the one to ease and relieue the other, and that there be a discretion vsed, as well in returning the most principall Persons vpon the greatest causes, as in sorting men of quality with their equals, as neere as may be.

And now that we haue thus declared our earnest care and zeale for the furtherance of Justice in this kinde, seeing it hath beene vsuall for Sheriffes and other Ministers (to whom it appertaines) to forbear the returning of diuers persons, in respect that they were sonnes to Peeres of our Realme, or men of extraordinary place and calling, Which we haue no way misliked, and do well allow: Intending likewise that such, and so conuenient respect be vsed particularly to our Justices of peace, in regard of the place they hold, and their continuall imployments, as they may be no oftner vsed in seruices of that nature, then shalbe necessary: And forasmuch as we doe well consider that it may so fall out many times, that diuers persons besides those aboue named, and such other as the Lawe for naturall impotencie dispenseth vithall in an ordinary course, may like wise be found meete to bee forborne in these seruices: We doe hereby declare, that we are also resolued by vertue of our Prerogative (and according to the ancient presidents of our Progenitors) to graunt speciall exemption by our Letters Patents to some such persons, and vpon such speciall causes as we shall thinke just and reasonable, not meaning from henceforth to leauie it in the power of any other, but in the speciall cascs aforesayd, to doe that which is onely proper to our selfe. In which course (as in all the rest of our proceedings) although it appeareth vnto vs by a Certificate lately made from the Sheriffes, of the state of the Freeholders in this Kingdome, that the multitude of them is great, & are otherwise as certainly informed, that the one halfe is not certified: and although we haue bene and are daily importuned for some particular exemptions by diuers persons, as well Knights and Gentlemen, as other Freeholders of good abilitie: Neuerthelesse, because it may appeare that we doe and ever will preferre the precious care of Justice before all other second considerations, we resolve there shall bee so good a moderation in the number, as well as in the choyce of the persons, as no prejudice shall arise therby in the ordinary course of Justice, Although our meaning be, that all such Grants so to bee made by vs, shall extend aswell to all causes concerning our selfe, our Heires and Successours, as our subjects. All which we haue thought fit to notifie by this our proclamation.

Giuen at our Honour of Hampton Court the fifth day of October, in the fifth
yeere of our Reigne of Great Britaine, France and Ireland.

God sauе the King.

Imprinted at London by Robert Barker,
Printer to the Kings most Excellent Maiestie.
ANNO DOM. 1607.

Upon these grounds therefore, and vpon advise taken with our priuy Councell, and conference with our Judges and Councell at Law, we haue resolued to giue some remedy to those abuses, and to restore the forme of tryals in this our Realme of England, to the ancient integrity and credit, as much as in vs lyeth. And therefore We doe hereby publish and declare to all our loving Subjects, that they take light from vs of the greatness of this seruice, and that the Gentlemen of best quallite doe put away that vaine & vntrue conceit, that they are any wayes disgraced, or disesteemed, if they be called vpon or vsed in this part of Justice, to be tryers of the fact, Knowing that all Judgement is Gods principally, and by him committed vnto vs Within the Precinct of our Kingdome, as his Minister vpon Earth, to whom likewise they are subordinate. And We doe likewise charge and command all our Judges, Justices, Sheriffes, UnderSheriffes, Bayliffes and others to whom it may appertaine, To take knowledge that this is our expresse will and pleasure, That all persons which haue Freehold, according to the Law, shall be returned to serue vpon Juries, as occasion shall require. Foreseeing also that they vse a respect, that the same persons be not too often returned and troubled, but that the seruice may rest more equally and indifferently vpon the whole body of sufficient Freeholders in every County, the one to ease and relieue the other, and that there be a discretion vsed, as well in returning the most principall Persons vpon the greatest causes, as in sorting men of quality with their equals, as neere as may be.

And now that We haue thus declared our earnest care and zeale for the furtherance of Justice in this kinde, seeing it hath beene vsuall for Sheriffes and other Ministers (to whom it appertaines) to forbear the returning of divers persons, in respect that they were sonnes to Peeres of our Realme, or men of extraordinary place and calling, Which We haue no Way misliked, and do well allow: Intending likewise that such, and so conuenient respect be vsed particularly to our Justices of peace, in regard of the place they hold, and their continual imployments, as they may be no oftner vsed in services of that nature, then shalbe necessary: And forasmuch as Wee doe well consider that it may so fall out many times, that divers persons besides those aboue named, and such other as the Lawe for naturall impotencie dispenseth withall in an ordinary course, may likewise be found meete to bee forborne in these seruices: Wee doe hereby declare, that we are also resolued by vertue of our Prerogative (and according to the ancient presidents of our Progenitors) to graunt speciall exemption by our Letters Patents to some such persons, and vpon such speciall causes as we shall thinke just and reasonable, not meaning from henceforth to leauue it in the power of any other, but in the speciall casies aforesayd, to doe that which is onely proper to our selfe. In whiche course (as in all the rest of our proceedings) although it appeareth vnto vs by a Certificate lately made from the Sheriffes, of the state of the Freeholders in this Kingdome, that the multitude of them is great, & are otherwile as certainly informed, that the one halfe is not certified: and although we haue bene and are daily importuned for some particular exemptions by divers persons, as well Knights and Gentleman, as other Freeholders of good abilitie: Neuerthelesse, because it may appeare that wee doe and ever will preferre the precious care of Justice before all other second considerations, wee resolve there shall bee so good a moderation in the number, as well as in the choyce of the persons, as no prudencie shall arise therby in the ordinary course of Justice, Although our meaning be, that all such Grants so to bee made by vs, shall extend aswell to all causes concerning our selfe, our heires and successours, as our subjects. All whiche we haue thought fit to notifie by this our Proclamation.

Given at our Honour of Hampton Court the fifth day of October, in the fifth
yeere of our Reigne of Great Britaine, France and Ireland.

God sauе the King.

Imprinted at London by Robert Barker,
Printer to the Kings most Excellent Maiestie.
ANNO DOM. 1607.